

**California Commission  
on  
Health and Safety and Workers' Compensation**

**MINUTES OF MEETING**

Meeting Day and Date: Thursday, November 9, 1995

Meeting Location: Secretary of State's Office Building  
1500 11th Street (at "O" Street)  
First Level Auditorium  
Sacramento, CA 95814

Commission Members Present:

Chairman Robert B. Steinberg  
Commissioner James J. Hlawek  
Commissioner Leonard McLeod  
Commissioner Gerald O'Hara  
Commissioner Tom Rankin  
Commissioner Kristen Schwenkmeyer  
Commissioner Gregory Vach

Commission Members Absent:

Commissioner Robert H. Alvarado

Commission staff:

Christine Baker, Executive Officer of the Commission

Department of Industrial Relations representatives:

Casey L. Young, Administrative Director, Division of Workers' Compensation

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*Welcome*

The meeting was called to order at 10:00 am by Chairman Robert B. Steinberg.

*Adoption of Minutes*

Chairman Steinberg asked for a motion regarding the minutes of the Commission meeting on October 12, 1995, which had been submitted for approval by Christine Baker. Commissioner Hlawek moved that the minutes be adopted, Commissioner O'Hara seconded the motion, and the motion passed unanimously.

*Announcements*

Chairman Steinberg said that since this was the last Commission meeting of the year, the intention was to pick up loose ends and sum up where the Commission is on its various projects.

*Report on Division of Workers' Compensation Activities*

Chairman Steinberg introduced Casey L. Young, Administrative Director of the Division of Workers' Compensation, who had been invited to give an update on the division's activities.

Mr. Young said that in general, he was fairly pleased with where DWC is right now. He said that they are seeing some things come to fruition that were started a long time ago and that they have been quite frustrated with the bureaucratic process of getting there.

*DWC Reorganization*

Mr. Young stated that his frustration was primarily about the reorganization of DWC's management structure, something that he wanted to do from the time he became Administrative Director. He said that the opportunity came after the 1993 reforms passed and they convinced the Governor and the Legislature that they needed a different structure to ensure that the changes that were made are carried out in a consistent and uniform basis around the state.

DWC proposed a new personnel classification and a new organization chart and obtained approval by the Department of Industrial Relations, the Department of

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Personnel Administration and then finally, the State Personnel Board, effective June 1995.

Mr. Young said two major changes were made -- one at the top of DWC's organization. He said that historically DWC has been a very fragmented organization with basically three deputies under the Administrative Director. One deputy was in charge of Claims Adjudication and two others were in charge of various other units that seemed to be assigned at random but were actually in the statute. Mr. Young said he got that changed in the statute early in 1992 to allow DWC to organize in a more rational form.

Mr. Young said that he now created what he calls a Chief Operating Officer within the Division who is responsible for the day-to-day operations within the Division. This would be a civil service person in a Career Executive Appointment (CEA) position, so there is some consistency. The person in this position would have a view of the entire organization, the mission of the organization, and be responsible basically for all the runnings of the organization. Mr. Young said that Peggy Jones has been appointed to that position and has actually been operating in that way for quite some time.

The other organizational change is the creation of a middle management structure for Claims Adjudication. Mr. Young stated that the Claims Adjudication function, the largest in the Division, had 27 Presiding Judges from Eureka to San Diego reporting to the DWC Assistant Chief resulting in a span of control that was too big. To enforce policies and procedures in the district offices, the DWC proposed a smaller span of control and some management in between. A new classification entitled DWC Regional Manager was created and three new positions were established.

The DWC Regional Manager in the Southern Region is William Whitely who has been the Presiding Judge at San Bernardino most recently and ran the Santa Ana Lien Unit as well. For the Central Region, Mr. Young appointed Mark Kahn who has been the Assistant Chief. For the Northern Region, Mr. Young chose Robert Kutz who was Assistant Chief under former AD Walt Brophy. Richard Younkin from the Workers' Compensation Appeals Board has been appointed to the Assistant Chief position.

Mr. Young stated that he thinks major improvements will be seen over the next year as a result of this reorganization.

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*DWC Simplification Project*

Mr. Young reported that the DWC Simplification Project has been split that into several committees, including the Dispute Resolution Committee, which has been trying to come up with uniform procedures that the workers' compensation community will support and the DWC judges will carry out on a consistent and uniform basis. The Dispute Resolution Committee has developed several new policy and procedure manual sections currently under review by the Workers' Compensation Appeals Board. These sections deal with calendar setting, approval of Compromise & Releases and Stipulations, granting of continuances, and various other procedures.

Mr. Young stated that he is particularly happy that this committee wanted to increase accountability since there has been a lot of finger pointing going on among the parties and the judges about why cases are being continued. Under the new procedure, somebody has to make the motion to continue a case, the position of the other party is going to be noted, and the Judge is going to make the decision. Continuances will be granted only for good cause, which must meet the standard and be stated. Most importantly, the document granting a continuance is going to be served on everybody so everybody knows what's going on. Mr. Young believes that this will result in significantly fewer continuances.

*Judicial Ethics Regulations*

Mr. Young stated that DWC has just completed the judicial ethics regulations and has submitted them to the Office of Administrative Law to become effective December 1, 1995. He explained that the task was to come up with a mechanism to enforce the code of judicial conduct under the statute but he went a little bit beyond that. DWC contracted with the Josephson Institute of Ethics which worked with the Judges and a lot of people in the workers' compensation community. Mr. Young said he thinks it's very important to have a very credible system out there to make sure that people who have concerns about what's going on have a system to deal with it that they're comfortable with and to raise the level of consciousness out there in the workers' compensation community about ethical issues.

The new regulations specify that written approval of the Administrative Director must be obtained before anything of value is transferred from practitioners, attorneys, interest groups, or others to a Workers' Compensation Judge. The Judges now have a duty to report misconduct that they see in the courtroom or around whether it be by another Judge, a witness, an attorney or others. The regulations also specifically prohibit Judges from putting on educational programs for the workers' compensation community for profit.

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There is also a mechanism for the issuance of advisory opinions and DWC has a pretty good set of them now. DWC will continue to do that and basically build a case law specific to worker' compensation with respect to ethical issues.

Mr. Young stated that another significant aspect of the regulations is the creation of an ethics advisory committee. The statute directed DWC to have a procedure that is as close as possible to the Commission on Judicial Performance. The ethics advisory committee will be made up of nine individuals that will be representing labor, employers, insurers, and attorneys. Mr. Young clarified that these will be former attorneys to avoid conflicts of interest. A Judge and a couple of people outside the workers' compensation community will also be on the committee to give outside perspective. The ethics advisory committee will review the complaints, forward them with a recommendation to the Administrative Director and then monitor to make sure the appropriate thing is done. The advisory committee will also be responsible for doing a report to the Legislature, the Governor, and the Administrative Director on the ethical state of the judicatory system in workers' compensation and other kinds of issues.

Mr. Young pointed out that there are now higher ethical standards and tougher procedures for workers' compensation judges than there are for constitutional judges. Mr. Young said he knows that is a sore point with some of the Judges but he thinks it is going to help alleviate the concerns. He said that DWC was going to have to see these procedures work and have the community have confidence in the mechanism before concerns totally go away. But he is pleased to get to this point and get this regulation adopted.

*Disability Evaluation Unit Backlog*

Mr. Young said that the reduction of the backlog in the Disability Evaluation Unit was probably DWC's biggest success story. He reported that the backlog is down below 2,000 now and DWC does not have any summary ratings beyond September 1995 in any of the offices. Many offices are now current and he believes all offices will be current by the end of the year. He said he wanted anyone in the audience to know that it is now time to send the summary ratings back to DWC and put the private raters out of business and to see if we can get those private raters back into the DWC fold. He thinks DWC is going to need them in the long term.

Chairman Steinberg asked how such a large backlog was removed. Mr. Young replied that two strategies mattered the most. One was getting the new disability evaluators on board, trained, and working on the backlog. The second thing was to encourage the community to self-rate the cases, try to reach a settlement with the injured worker and bring them in as a settlement for DWC Information and

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Assistance Unit and judicial review. Through that mechanism DWC leveraged its DEU resources.

Chairman Steinberg asked how the self-rating system worked. Mr. Young responded that the parties would rate the case themselves or get a private rater, try to reach a settlement -- either a stipulation or a C & R -- with the injured worker and then bring it in for approval by a Judge. If need be, the parties could go to I & A for a recommendation and if they have a question about it they could go over to DEU and get their advice. DWC has been doing a lot of settlement conferences with I & A and block setting of several cases with various claims administrators has proved fairly successful too. Mr. Young said that DWC has learned a lot through this process about how it can help the community resolve these things without having to go through the litigation process.

*Permanent Disability Rating Schedule*

Mr. Young then addressed the issue of the Permanent Disability Rating Schedule<sup>1</sup>.

He said DWC was still doing what he calls Phase 1 of the project to revise the PDRS -- changing the occupations, adding some ratings, and modifying how the age of the injured worker is taken into account. While Phase 1 was completed almost a year ago, Mr. Young said he wasn't comfortable putting the proposed PDRS out to hearing until he had some sense of what the economic impact would be.

To assess the impact of the revised PDRS, DWC staff did a survey of summary ratings and found that the new schedule would increase PD by about 2% using their sample. Most of the increase came from the occupation changes; the other modifications seem to be fairly insignificant. Mr. Young said he was uncomfortable with those findings for a couple of reasons. Because only summary ratings were reviewed, just the simple ratings were evaluated in the survey -- the more complicated ratings that are often disputed were not included. The other difficulty was to rerate doctor's reports where the doctor had used the existing schedule and try to figure out what the rating would be under the new schedule. For example,

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<sup>1</sup> California Labor Code Section 4660(d) states: "On or before January 1, 1995, the administrative director shall review and revise the schedule for the determination of the percentage of permanent disabilities. The revision shall include, but not be limited to, an updating of the standard disability ratings and occupations to reflect the current labor market. However, no change in standard disability ratings shall be adopted without the approval of the Commission on Health and Safety and Workers' Compensation. A proposed revision shall be submitted to the commission on or before July 1, 1994."

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should the work capacity guidelines be used instead of the objectives and subjectives?

Mr. Young said he had some other feelings about the revised PDRS. When DWC gets appeals from summary ratings and the doctor inappropriately used the new guidelines, the contention is that the PD ratings are too high. Mr. Young feels that the increase in the permanent disability ratings under the revised PDRS is probably more than what DWC's particular sample and methodology produced.

Mr. Young said that this leaves him in a difficult situation especially with the upcoming Commission hearing on January 18, 1996, where what he terms Phase 2 will be discussed<sup>2</sup>. He said he was very conscious of the concerns in the community about creating additional complications in the system. He was also reticent to put forward a change in the permanent disability rating schedule that may be a small piece with an uncertain impact if something else will be done in the next year or two. That would create basically two more tracks that the claims administrators and attorneys would have to follow.

Mr. Young said he was mentioning that in this meeting for several reasons. He wanted the Commission's response and he would like to hear the views of the people in the audience and others who may be read about this later. He said that his inclination was to wait until the Commission's January hearing and see if the Commission and DWC can do the whole thing together. Then at least when a change is made there will be just one new track and he would have some more confidence than he has right now.

Commissioner Vach questioned if failure to implement a revised PDRS would result in legal action as happened with the ergonomics standard.

Chairman Steinberg observed that Labor Code Section 4660(d) specifies that the PDRS revision was to have been completed last January. The Commission has not yet embarked on its permanent disability project and has no idea at this point where it will lead. It may lead to some changes that Mr. Young suggested or it may not lead anywhere.

Chairman Steinberg remarked that he was not sure that he understood exactly what point Mr. Young was trying to make about how the new schedule would result in some slight increase in Permanent Disability Ratings and benefits.

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<sup>2</sup> The Commission has scheduled a Fact-Finding hearing on the issue of workers' compensation permanent disability benefit for January 18, 1996. The Commission has invited testimony on significant issues in permanent disability from the entire California workers' compensation community.

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Mr. Young stated the if he had confidence that the sample of summary cases reflected the real impact of the new PDRS, it would not bother him that much. However, he is very concerned about the uncertainty. If DWC went back looked at litigated cases as well and found that there's a 2% increase, he would not consider it would be that big of a deal. He is just not sure that DWC knows at this point what the impact on litigated cases would be. There have been a lot of changes in the workers' compensation system over the last several years and premiums are down tremendously and so forth. To get information on the impact of the PDRS on litigated cases would take several months, well beyond the Commission's January 1996 permanent disability fact-finding hearing.

Chairman Steinberg asked Mr. Young what would his ordinary timeline be from here on out to complete what is statutorily mandated, without taking the Commission's hearing into consideration. Mr. Young replied that he believes that the statutory mandate includes the project that the Commission is about to embark on.

Chairman Steinberg remarked that it sounded to him as if Mr. Young were suggesting that the DWC PDRS project go hand in hand with what the Commission was doing.

Mr. Young responded that such a plan made sense to him right now. He said that clearly better information was needed as we go forward with this project and we might as well join arm in arm, figure out what that is, and go do it and try to do this once right. He does not think anybody questions that the timeline DWC was given was very short to get a job like this done. He said that the Commission knows what is involved and what has happened in the past. He said he was reticent to go forward and do a piece of it now and just complicate everybody's lives when we need to do the other piece as well.

Mr. Young stated that he was raising this issue here because he is looking for input. Another approach that he has thought about and talked about is just to go out to hearing with what DWC has now and let everybody comment about it. But he thinks he knows what he is going to hear.

Chairman Steinberg pointed out that the Commission has an approval function here and not just a consultative function.

Commissioner Rankin remarked that he was concerned that on the bigger issue it's going to be much more difficult to reach agreement so this approach may be something that should be done in the interim. Mr. Young commented that there



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may be pieces that are separable and that we could just do that if it makes sense but that he was just not sure.

Commissioner Rankin asked Mr. Young if he had any idea of what elements in the PDRS caused the 2% increase. Mr. Young replied that it was mostly the changes in occupation and, in fact, there were very few cases in this sample that would have used the new work capacity guidelines.

Commissioner Vach noted that every time things are changed and if it is not perfect then it is done again. Mr. Young responded that it's a natural course of action in this lawmaking and regulations process to fine tune. He said if he were going to hold a hearing on the Permanent Disability Rating Schedule, it would probably be about the same time as the Commission hearing at the earliest. He suggested that the PDRS be put on the agenda to talk about and make a decision to go forward in one way or another.

Chairman Steinberg observed that it was 60 days away from the Commission's hearing on January 18, 1996, and given the holidays and everything, he did not see much getting done in the next 60 days anyway. He suggested that the Commission sees where it is on January 18th and where this whole business is going. Mr. Young concurred and said that he thought that was a wise course of action.

*Utilization Review Regulations*

Mr. Young informed the Commission that he wanted to provide an update on another project on which DWC was late. The utilization review regulations<sup>3</sup> were adopted in July 1995. He said that DWC gave the industry the year contemplated by statute to finish and have their plans together, if they choose to have plans, and

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<sup>3</sup> California Labor Code Section 139(e)(8) requires the administrative director to adopt, on or before July 1, 1994, model utilization review protocols in order to provide utilization review standards. Chapter 4.5 of Title 8, California Code of Regulations, Section 9792.6 was adopted effective July 20, 1995. This regulation addresses the process whereby an insurer or employer conducts utilization review to determine if medical treatment for injured workers is reasonably required for the cure or relief of a work-related injury or illness. The regulation contains model utilization protocols (in the form of minimum standards) which provide standards for employer utilization review programs. The regulation provides a framework for communication between a medical provider and employer or insurer concerning utilization review. The regulation does not require employers or insurers to maintain a system of utilization review, but if they choose to do so, they must meet the minimum standards set forth in the regulation. Insurers and employers do not need to submit their utilization review system to the administrative director for prior approval, but must make available a summary of the system on the administrative director's request.

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encouraged earlier completion. He indicated the community should let DWC know when they have plans that comply with the regulatory requirements and DWC will make that list available so that the public knows who has utilization review standards that meet the requirements. Mr. Young said that DWC already has five or six the companies that meet the standard and they will be putting that listing out.

*Medical Fee Schedule*

Mr. Young announced that the amendments to the medical fee schedule have been completed, are currently at the State Printing Office and will be mailed out very shortly.

He said that the change to the medical fee schedule that was made quite a while ago DWC did with a company called Medicode. DWC charged \$100 for that schedule. Mr. Young said that he senses these new changes are mostly fine tuning, correcting mistakes because the previous version put forth a major change in the fee schedule. He said that DWC was basically providing the revisions free of charge to everybody who bought that fee schedule in the past. Then DWC itself is going to start distributing the new fee schedule at a much lower cost.

*Hospital Fee Schedule*

Mr. Young said he wanted to mention the Hospital Fee Schedule because there have been much concern and misinformation out in the community on this subject. He said that this was another project that DWC was late on in terms of the statute which requires DWC to have a Hospital Fee Schedule by January 1, 1995.<sup>4</sup>

He stated that DWC had tremendous problems trying to get the information on which to base the Hospital Fee Schedule. DWC had a meeting to which they invited the community to review the data the DWC's contractors were considering and then discuss the direction DWC should take. He stated that he believes that people at that meeting shared his frustration that better information was needed to make a decision.

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<sup>4</sup> California Labor Code Section 5307.1(a)(1) states: "The administrative director, after public hearings, shall adopt and revise, no less frequently than biennially, an official medical fee schedule which shall establish reasonable maximum fees for medical services provided pursuant to this division. No later than January 1, 1995, the administrative director shall have revised the schedule. By no later than January 1, 1995, the schedule shall include services for health care facilities licensed pursuant to Section 1250 of the Health and Safety Code, and drugs and pharmacy services. The fee schedule for health care facilities shall take into consideration cost and service differentials for various types of facilities."

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Mr. Young said that there was a group at that meeting that pleaded with him not to go forward but to give them a chance to go up to the Legislature and try to get the requirement that the schedule be adopted put off or changed. He said he went up to Sacramento at the end of the meeting and explained where DWC was on the Hospital Fee Schedule project, but he did not ask for a delay in the fee schedule or anything as has been erroneously reported. He said that there was no legislator who was interested in even contemplating such action.

DWC then went back to work and put together what Mr. Young thinks is going to be a decent fee schedule that will go out to hearing in December 1995. Mr. Young said that the fee schedule proposes a Medicare type of arrangement because the statute requires DWC to take into consideration the cost of services, differentials for each hospital, which is what Medicare does. Mr. Young said he finally decided to set the fee schedule at 120% of Medicare rates with adjusted DRG (diagnostic related groups) rates. Workers' compensation has a younger, more active, healthier population than Medicare and so it takes fewer resources to take care of the same kind of diagnosis. Mr. Young stated that basically the schedule will be about 110% over Medicare. This is comparable to what is done in Hawaii and a little lower than what is done in Pennsylvania.

Mr. Young pointed out that the contracts that are entered into take precedence over the fee schedules; if people want to contract for the services on a per diem rate or an alternative arrangement they think is appropriate, that will take precedence over the fee schedule. He believes the fee schedule will give employers and carriers another tool to use for cost containment if it meets their purposes. If it doesn't they'll continue doing what they do now which, as Mr. Young understands it, is contracting either directly or through others.

*DWC Information System*

Mr. Young stated that the DWC Information system is another unfinished project. He said that DWC does not have a deadline for the information system but did meet the statutory requirement to issue a report.<sup>5</sup> DWC contracted with the Survey

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<sup>5</sup> California Labor Code Section 138.6 states : "The administrative director, in consultation with the Insurance Commissioner and the Workers' Compensation Insurance Rating Bureau, shall develop a workers' compensation information system to do the following:

- (a) Assist the department to manage the workers' compensation system in an effective and efficient manner.
- (b) Facilitate the evaluation of the efficiency and effectiveness of the benefit delivery system.

*(Footnote is continued on the next page)*

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Research Center (SRC) at UC Berkeley to do a report that outlined a framework of an information system that DWC hopes to pursue.

Mr. Young stated that SRC suggests that DWC use electronic data for a layer of all injuries and get basic information such as the Employer's First Report data -- who's the employer, who's the employee, what injury is it, and so forth. Then select a 10% sample of indemnity claims and get the kind of additional information that DWC used to get from the benefit notices. Next, select a 1% sample on medical issues so that DWC gets a sense of what's going on with medical costs and why. Above that, DWC should do some regular survey work on other questions that do not lend themselves to the electronic data transfer. DWC believes that this is a decent framework for an information system.

The SRC report also suggested that DWC put together a steering committee made up of the various interest groups, data providers and data users to oversee the development of this project to completion, which Mr. Young anticipates will take at least another two years. Mr. Young stated that it is a big project, fraught with a lot of potential problems and a lot of politics. He is finding information politics very interesting -- who has information and who has access to it.

In Mr. Young's opinion, the most important thing is that it has to be a public use data system with everyone having access to the data. Mr. Young said that the only data that is available now is data that people collect privately and keep in their back pocket. He does not think one can have a whole lot of confidence in the data if others do not have a chance to take a look at the methodology and the data and reanalyze it and replicate the results.

Mr. Young stated that was where DWC going on this project. He said he knows there are some who are still trying to throw tacks in the road at every chance. But his sense is that the community as a whole wants the information and will get there in a reasonable and cost effective way.

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- (c) Assist in measuring how adequately the system indemnifies injured workers and their dependents.
  - (d) Provide statistical data for research into specific aspects of the workers' compensation program.

It is the intent of the Legislature that the information system be compatible with the Electronic Data Interchange System of the International Association of Industrial Accident Boards and Commissions. The director shall issue a report on the development of the system, and recommendations for any necessary legislative action, no later than July 1, 1995, and shall, upon request, make the report available to the Governor, the Legislature, and the public."

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*DWC Budget and Resources*

Mr. Young announced that he wanted to add kind of a little warning flag about DWC's budget and resources to the discussion. DWC, like every other state agency, is squeezed for resources. Last year, Mr. Young related that DWC had concerns raised about its budget and the Legislature took about a half of a million dollars out of DWC's budget and established about 4 million dollars of Limited Term one-year positions. Mr. Young said that the Legislature basically told DWC to come back and explain its budget and why it should continue to have those 4 million dollars. Mr. Young reported that DWC was doing that and he does not think that will be a problem. But like in all of state government DWC is having to eat some costs.

Mr. Young stated that he is not crying poor because DWC is being singled out, but it has to pay, for example, for the 3% general salary increase that was bargained. DWC did not get additional funds for that so it had to find about 1.8 million dollars somewhere in its program. Mr. Young stated that DWC needs to find about 2.5 million dollars cover the costs of the salary increase and merit salary adjustments.

Mr. Young said that DWC has done extensive analysis of what has happened and why to its budget over history and it comes down to two reasons. One is the situation he just described that all agencies are going through. The other is that the last DWC administration opened up a whole lot of facilities they did not have enough money to open involving over 3 million dollars. Mr. Young stated that DWC has actually created a lot of efficiencies over the years but it's hard to make up that kind of money. He indicated there may be more facility closings. The leases that were negotiated by the last administration were five year leases which are now expiring. He has closed one office and has renegotiated the leases on some others. He stated that basically, in the position DWC is in, it has look for every efficiency. He wanted to make the Commission aware that there may be some fall-out from some of those actions.

*Questions and Answers*

Commissioner Vach asked Mr. Young if he were going to have a report available in January per the budget language encompassing all those criteria they have listed there.<sup>6</sup> Mr. Young replied that he would.

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<sup>6</sup> Assembly Bill 903 adjusts the funding for the operation of the Division of Workers' Compensation for fiscal year 1995-96 and imposes certain provisions. Provision 2(d) of AB 903 requires DWC to report its workload, personnel, and expenditure status to the Commission as well as to the Legislature:

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Commissioner Vach stated that the DWC regionalization is clearly a good step forward. He thinks that the DWC regional managers are going to be under a lot of pressure to make the boards consistent. He asked Mr. Young if he saw that as being a sticky wicket.

Mr. Young replied that he thought this was an opportunity to implement things on a consistent basis and make sure they were being done. What's been done in the past is to conduct a Presiding Judge meeting and talk about these things. He said that it has been frustrating that the only management information about those inconsistencies is through the back door, when for example the attorneys complain to you that the C & Rs aren't coming out. He said that DWC will be much more on top of the issues in the boards now.

Commissioner Vach remarked that he thinks the regional managers are going to be under the microscope. Mr. Young responded that he thinks he, his Assistant Chief, and managers are under the microscope and well they should be. He stated that DWC was spending public money and doing a public service here and it's got to be done right and it's got to be done efficiently.

Commissioner Vach asked if Mr. Young had a position on the Industrial Medical Council review meeting and adoption of the proposed neuromuscular skeletal protocols. Mr. Young responded that he does not have direct supervision over that project at all but that DWC has been participating in the process. He said if he were doing it he would have taken the federal guidelines that came out and said why not adopt these -- probably millions of dollars have been spend by the federal government. Why are we different here in California? But the IMC has taken a different approach and it is trying to build consensus in the Physician community. Mr. Young said that his biggest concern is that it hasn't come to completion yet.

Mr. Young went on to say that he recently had a very good meeting with the new IMC Executive Medical Director, Dr. Allan Mackenzie. Mr. Young said that he quite frankly had distanced himself from that organization for a while because he would

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"The Division of Workers' Compensation shall, within the timeframes specified, complete the following: No later than January 1, 1996, and every three months thereafter, report to the Joint Legislative Budget Committee, the Legislative Analyst's office, and the Workers' Compensation Health and Safety Commission on the status of the following:

- (1) Current backlog of pre-1989, post-1989, pre-1993, and post-1993 cases currently awaiting hearing, by district office.
- (2) Current backlog of cases awaiting a disability evaluation, by district office.
- (3) Current unfilled positions, by district office, and total unfilled positions in the division.
- (4) A list of all planned and completed expenditures of funds for operating expenses, equipment, and travel."

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go to meetings and feel like his day was wasted. He said he was going to start going again and that they were having a retreat and doing various things. Dr. Mackenzie was opening up communication. Mr. Young said that hopefully there will be some new appointments to the council and we can get that moving. He is willing to give it another shot and put some energy into it -- he thinks it is worth giving them some support and participating. One of the things he noticed when he was going to those meetings is that participation from the community was very low to nonexistent and he does not think that is a good thing. Commissioner Vach said he agreed with Mr. Young but he was not sure exactly what the cause would be. From what Commissioner Vach hears, the input from the community has not necessarily been well received by certain members of IMC and therefore it was felt to be worthless.

Chairman Steinberg asked how the DWC Administrative Director relates to the IMC. Mr. Young responded that the statutory provision says that the AD is an ex-officio non voting member of the IMC. The IMC members have some advisory responsibilities to the AD in terms of medical issues but they also have some independent authority to do things and that's what they focus most of their attention on.

Chairman Steinberg if the protocols fall within that independent authority and Mr. Young replied that they do. Chairman Steinberg asked if there were any other filtering process that the protocols go through before they are implemented. Mr. Young responded that the IMC adopts the regulation and that's it. There's no filtering process through the Department or the Division. When IMC adopts these protocols, they will become effective for workers' compensation. DWC does not know exactly what the nature of the protocols will be until it sees them.

Mr. Young said there has been quite a debate over there about what the approach should be and so forth. To summarize the debate, some people think the way the protocols ought be developed is to look at the literature and see what's efficacious for this type of injury and then adopt them based on the literature. Others are saying that IMC ought to look at what the practice is and cut off the extremes and keep them within the current practice and develop a consensus on where the line is drawn. That is the debate they seem to have been having for a long time.

Chairman Steinberg asked what is the status of the completed protocols on contact dermatitis and industrial asthma. Have they been adopted or have they been executed? Where do they stand? Mr. Young responded that he believes they have been adopted. He had thought they were adopted long ago but somebody told him that they had not gone through the Office of Administrative Law process completely so he is not really sure.

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Chairman Steinberg asked Mr. Young if he thought this was an area that would be worth exploring. From the Commission standpoint, the protocols can be of tremendous benefit to the community. On the other hand there's some danger in how they're put together and whether they really do reflect mainstream medical science or something else. Chairman Steinberg thinks they would need some broad acceptance by the community in order for them to serve their purpose and he is not sure that the process just reviewed would accomplish that purpose.

Mr. Young stated he thought it would be an excellent area for the Commission to get into. He believes it is one of several of the areas in the whole medical cost containment piece that is either late or not really working very well yet. It is one that has a lot of potential and has interest around the country. He said it seems as if everybody is trying to develop protocols for their programs. He thinks it would be a good project for the Commission to explore.

Chairman Steinberg asked Mr. Young if whether or not the fears surrounding the privacy concerns in the information system have been somewhat allayed in the past few months or whether that is a continuing problem.

Mr. Young responded that his concerns have not been allayed. He thinks legislation will be needed and that the challenge will be to get a consensus on what ought to be private information and not available to the public. He said that there has been legislation on that in the past and he thinks that there is a heightened concern on both the employee representatives and employer representatives and others about what mischief might be made with individual identifiable information in electronic form. On the other hand, there are others who think it ought to be public. So he does not expect it would be an easy piece of legislation to get through. But he thinks it is something that needs to happen and, if it doesn't, he thinks we have to have a system designed that does not permit the collection of the information in way that's going to be searchable.

Steinberg asked if there were enough consensus now for DWC to go ahead or did Mr. Young feel that he was kind of stymied right now in completing the system without some legislative help.

Mr. Young replied that he did not feel stymied at all. He sees this process going over the next couple of years to completion. He does not see actually starting the collection of complete data that people will be comfortable with for at least another two years. He thinks it is important to get the entire community involved in helping develop this, develop solutions, develop consensus on what legislation is needed, how this and that is done and make sure it is not too costly for the people providing the data. Just working through each of these issues Mr. Young thinks is going to take a long time. But DWC is not stymied at all. He thinks the next step is



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to take that UC report, get the steering committee together, and see if there is consensus on a framework. If not, then develop consensus on another framework and then go forward.

In response to a query by Chairman Steinberg, Commissioner Rankin said he had a couple of questions. He asked Mr. Young how much of DWC's budget was user funded right now. Mr. Young replied that 20% of DWC's total budget is user funded.

Commissioner Rankin then remarked in terms of the ethics advisory committee, Mr. Young had said there's a complaint mechanism. He asked if that just involved complaints about Judges or did it involve complaints about other parties as well. Mr. Young responded that it is judicial. But he added that it includes not just the judges but anybody who is making a judicial or quasi-judicial decision including himself.

Commissioner Vach asked Mr. Young if he were satisfied with the backlog to the extent that he would open the Disability Evaluation Unit up to consultative ratings for the represented parties.

Mr. Young responded that the Commission will be hearing more about that probably in the near future. DWC is having some internal meetings on how to increase its service to the board and the parties. DWC would like to provide the service to everyone on a timely basis and Mr. Young thinks that the division is in a position to do that now.

Chairman Steinberg asked Mr. Young about the budget language provisions of AB 903 and what will be his response to it. Is he sure that the Judges are getting there at 8:30 in the morning and not leaving at 4:30 in the afternoon?

Mr. Young said he was asked about that language by the legislative folks when it was floated and he said he really did not care. He said that DWC staff gets there at 8:00 and leaves at 5:00 and DWC is finding that basically the attorneys are the ones who are upset. He said that the idea of having regional managers has been in the pipeline for a long time and that it is just another case of a lobbyist trying to take credit for something that is going on already.

Chairman Steinberg thanked Mr. Young for attending the meeting and said that the Commission will look forward to seeing him in January.

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*Executive Officer's Report*

Since this is the last regular Commission meeting scheduled for this year, Ms. Baker indicated that her report will consist of a summary of the Commission's activities and accomplishments during 1995.

Ms. Baker said she would go over the Commission's projects, its public outreach activities and then other concerns. Next she would review the Commission's oversight functions and its joint responsibilities with the Division of Workers' Compensation, which Administrative Director Casey Young had already discussed in part.

*Commission Projects*

*The Vocational Rehabilitation Reform Project*

The 1993 workers' compensation reform legislation made major changes affecting the level and delivery of the vocational rehabilitation benefit. The primary objective of the Vocational Rehabilitation Reform Project is to help the Commission in evaluate the impact of the reform legislation on the vocational rehabilitation system. Questions to be answered include: Did the reforms reduce the cost of the rehabilitation benefit for employers? How have changes affected outcomes for injured workers?

Ms. Baker indicated that the study will establish baseline data for continued monitoring of rehabilitation services and will estimate the impact of reform on the workloads for DWC rehabilitation consultants, caseloads in the DWC Rehabilitation Unit's dispute resolution process, and caseloads in the WCAB system.

*Medical-legal Evaluation Study*

The Commission decided to monitor the impact of changes to the medical-legal evaluation process by the workers' compensation reform legislation. Starting in 1989, legislative reforms restricted the number and lowered the cost of medical-legal evaluations needed to settle disputed compensation issues. In addition, the Legislature created the Qualified Medical Evaluator (QME) designation in 1989 and increased the importance of the treating physician's reports in the dispute resolution process in 1993. These changes were intended to reduce both the cost and the frequency of litigation, which not only drives up the price of workers' compensation insurance to employers but also leads to long delays in case resolution and the delivery of benefits to injured workers.

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The Medical-legal study will evaluate the impact of medical-legal evaluation reform on California's workers' compensation program. Questions to be answered include: Have the reforms reduced the number of evaluations? Have cost savings been similar in represented and unrepresented cases? Have the cost savings been similar in northern and southern California? Have unrepresented permanent disability cases taken substantially longer to settle, possibly as a result of the backlog of cases at DWC's Disability Evaluation Unit?

The analysis will be based upon a set of data created by the Workers' Compensation Insurance Rating Bureau (WCIRB) at the request of the Legislature to evaluate the 1989 reforms. Since that time, the WCIRB has continued to collect these data on an annual basis. The study is underway and data is being collected.

*Information Services to Injured Workers project*

The Commission is concerned about how recent changes in the workers' compensation system are serving injured workers. The Commission realizes that, if the injured worker is to be served well by the system, he or she must be aware of his or her rights and responsibilities under the changing workers' compensation program. To address this issue, the Commission decided to evaluate information services provided to injured workers by the Department of Industrial Relations and other participants in the workers' compensation system.

The Information Services to Injured Workers project is being conducted jointly by UC Berkeley's LOHP and Survey Research Center (SRC). The project includes represented and unrepresented injured workers and examines information services provided by all parties and organizations, not just by the state government.

The objectives of this project are to:

- assess the efficacy of information services designed to help the injured worker get through the workers' compensation system,
- analyze strengths and areas needing improvement in current information services,
- recommend ways to improve those services, and
- systematically collect information from injured about their experiences with all aspects of the workers' compensation system.

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The project consists of two phases over a period of 18 months. First, the LOHP will convene a discussion group of DWC Information and Assistance officers, four focus groups of English-speaking injured workers and two focus groups of Spanish-speaking injured workers to collect data on injured workers' experiences with information services. LOHP will analyze the results of the focus group sessions and at the end of twelve months will report these results to the Commission, along with specific recommendations for improving current information services. This report is estimated to be completed by May 1996.

For the second phase of the project, it was planned that LOHP would use these results to help design a mail survey that the SRC will send to 1,000 injured workers in the workers' compensation system.

However, as a result of discussion with the Project Advisory Committee, it was determined that the planned mail survey would probably generate an inadequate response for the needs of our study. This finding is based on the project team's experience trying to locate and contact injured workers for the focus groups.

The project team and the Commission staff are currently discussing the feasibility of replacing the planned mail survey with a telephone survey.

This survey will evaluate information services and all other services designed to assist injured workers. The SRC will compile the data collected from the survey at the end of 14 months and will provide a summary of the results of the survey by the end of the 18th month. The LOHP will then provide a final report.

*Elimination of California's Minimum Rate Law (Loss Control Study)*

The potential impact of the elimination of the minimum rate law to the California economy has been predicted to be in the millions of dollars by lowering total workers' compensation premiums paid by businesses. The Commission is concerned with the effect of the elimination of the minimum rate law on both employers and employees.

The Commission explored the possibility of collecting baseline data regarding the premium amounts employers have paid by classification prior to the rate change and compare that in the future to what they pay subsequent to the elimination of the minimum rate. The Commission considered conducting surveys of employers to determine their experience with obtaining workers' compensation insurance and also monitoring the Uninsured Employers Fund with respect to insurer insolvency.

The Commission explored the feasibility of studying Loss Control Services before and after the implementation of the workers' compensation reform legislation.

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However, the Commission, in conjunction with the workers' compensation community, determined that the study, as proposed by the California State University at Fresno, cannot be completed as originally specified due to the unavailability of timely and appropriate data. Commission staff continue to develop a framework for a possible study in the future, including benchmark measurements of the overall workers' compensation system.

*Grant Program*

The Commission on Health and Safety and Workers' Compensation reviews and approves proposals for grant funds to assist in establishing effective illness and injury prevention programs (IIPP) as mandated by Labor Code Section 6401.7.

The Commission awarded \$503,656 to nine grant applicants in 1994. All projects are underway and should be completed by December 1995. Grant products are expected to be available by June 1996.

The Commission established a "lending library" of grant products, which are loaned free of charge to the public. This function is being transferred to the Training and Education unit of Cal-OSHA Consultation in Sacramento.

*Public Outreach*

*Health and Safety and Workers' Compensation Training courses on the Internet*

The Commission wants to make health and safety and workers' compensation courses more accessible to workers and employers and to establish a data base of such courses.

The Commission is in the process of developing and maintaining a comprehensive curriculum of health and safety and workers' compensation classes and to be available to the public on the Internet. This service will provide the name of the college or university, information on degree and certification programs, course names and descriptions, schedule of classes, tuition costs (if any), and referrals and/or instructions on how to obtain additional information. The data base will be updated periodically to incorporate additions to and changes in classes and schedules.

In addition, the Commission will also provide a compendium of this data base information in printed form for those members of the public without access to the Internet.

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*Information about the Commission on the Internet*

Information about the Commission is now available on the Internet. This includes the Grant Product Availability Catalog, the Annual Report and a listing of Commission members. The Commission is exploring the possibility of making the Notices of Commission Meetings available on the Internet also.

*Symposium*

The Commission will be hosting an educational program entitled "Challenges in California Workers' Compensation: A Symposium" scheduled for Thursday and Friday, April 18 and 19, 1996 in San Francisco.

The purpose of the symposium is to bring leaders throughout the country together to identify successful programs and propose solutions to challenges noted in the California workers' compensation and health and safety systems.

The symposium is organized into eight topics for discussion:

- |            |   |
|------------|---|
| Topic I    | Identifying and Defining the Challenges   |
| Topic II   | The Impact of the Elimination of the Minimum Rate Law and Anticipated Outcomes                |
| Topic III  | Safety and Health Issues  |
| Topic IV   | A Review of Litigation and Effective Alternatives   |
| Topic V    | An Evaluation of Permanent Disability and Discussion of Potential Alternatives                |
| Topic VI   | System Evaluation: Objectives and Methods   |
| Topic VII  | A Review of Medical Benefit Cost Containment Strategies                                       |
| Topic VIII | Description of Alternate Benefit Delivery Systems and Identification of Possible Applications |

Chairman Steinberg remarked that the draft tentative agenda for the Symposium contains an impressive and ambitious program and list of invitees. One of the invitees has commented that perhaps the program is a little too ambitious as far as the number of panels and so on and the Commission may wish to consider reducing the number of participants or the number of issues that are going to be addressed. Chairman Steinberg said he thought that those concerns were valid and

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noted that Ms. Baker is working to insure there will be enough time so that all the issues addressed will be covered.

Chairman Steinberg asked if the draft tentative Symposium Agenda had been circulated. Ms. Baker replied that it had gone to some interested parties and those who are participating in the Symposium but that it has not gone out to the public yet. Chairman Steinberg noted that further input by the community might be helpful. He asked Ms. Baker to see if people in the workers' compensation community have any suggestions as far as the topics and the time devoted to various topics or perhaps additional participants that may have been overlooked.

Chairman Steinberg said that the Commissioners and the California workers' compensation community are going to have a meaningful couple of days at the Symposium.

*Presentations to the workers' compensation community*

Ms. Baker reported that over the past year, several Commission members and the Executive Officer have made presentations to various representatives of the California workers' compensation community.

Other Concerns

*Funding for the Commission*

The Workplace Health and Safety Revolving Fund is currently the only source of funding for the Commission. Since monies available from the Revolving Fund are derived solely from unpredictable penalty assessments, Ms. Baker recommended that the Commission continue to explore other funding sources.

The Commission's proposed budget for fiscal year 1995-96 is \$697,000.

Oversight

*Permanent Disability Rating Schedule*

The Commission is awaiting submission of the proposed Permanent Disability Rating Schedule by the Administrative Director. Ms. Baker noted that DWC Administrative Director Casey L. Young had addressed this issue in his presentation to the Commission.

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*Workers' Compensation Information System*

Labor Code Section 138.6 requires that the DWC Administrative Director develop a workers' compensation information system.

Ms. Baker noted that DWC Administrative Director Casey L. Young had addressed this issue in his presentation to the Commission.

*Proposed Ergonomic Standard*

Labor Code Section 6357 mandates the Occupational Safety and Health Standards Board to adopt standards for ergonomics in the workplace designed to minimize the instances of injury from repetitive motion by January 1, 1995.

According to John McLeod, the Executive Officer of the Cal-OSHA Standards Board, the ergonomics proposal has been submitted to the Department of Finance and is pending concurrence regarding the fiscal impact on state and local agencies. At this time, the Board plans to publish the Notice on December 1, 1995, for a public hearing on January 18, 1996, in Los Angeles and possibly the following week in northern California.

*Overall Concept of Permanent Disability*

The Commission of Health and Safety and Workers' Compensation is considering initiating a study of the issue of permanent disability. It has scheduled a fact-finding hearing for Thursday, January 18, 1996, at 10 am in room 1138 (first floor auditorium) in the Los Angeles State Building at 107 South Broadway. If necessary, the hearing will continue on Friday, January 19, 1996, at 9 am in room 2020 (second floor).

The purpose of the fact-finding hearing is to bring representatives from the California workers' compensation community together to identify problems and propose solutions to challenges noted in the California permanent disability benefit structure and program.



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*Other Business*

*Proposed meeting schedule*

Commissioner Hlawek noted that the draft 1996 Commission meeting schedule indicated a couple of the meetings were to be held in San Francisco/Oakland and asked if there was any difficulty in determining the exact locations. Ms. Baker explained that the San Francisco State Building at 455 Golden Gate, where the Commission has been holding meetings, will be closing at the beginning of 1996. The Commission must find alternative meeting sites in the San Francisco/Oakland area.

After some discussion, the Commission members decided to hold the March and July 1996 meetings in Sacramento.

*Funding of the Potential Permanent Disability Study*

Commissioner Vach said that if it is determined at our January hearing that the Commission is going to go forward with the Permanent Disability Rating System study, it is going to be a significant project with long term funding needs. Chairman Steinberg asked if he thought the Commission was going to need additional funding in order to get into a project at this point.

Commissioner Vach replied that if the Commission decides to go forward with this study, the probability is that a lot of resources will be needed. He said he was looking at DWC Administrative Director Casey L. Young because clearly it would directly impact his division and yet if it's going to be the Commission's project, is it really fair to go to Mr. Young and say we want his money at the same time.

Mr. Young responded that he sees this necessarily as a joint project anyway. He needs to adopt a Permanent Disability Rating schedule and needs to get the Commission's approval to do it and he thinks the Commission and DWC ought to go forward together and do it with joint resources.

Chairman Steinberg said he was still a little unsure at this point about the legislative mandate and the time frame in which the PDR changes were supposed to occur. Before we kind of decide to go hand in hand and adopt a longer time line for this project, he stated that he would really like to hear from someone who's more familiar with legislative history in order to be sure that we are not completely violating the legislature's intent. Maybe that's something we can determine in

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January. Chairman Steinberg asked Ms. Baker to explore that issue and see what the answer to the question or the problem is or if there is a problem.

*Managed Care and HCOs*

Chairman Steinberg asked Mr. Young about the status of the issue of Managed Care and where we stand with HCOs, whether or not that program is going anywhere and whether or not there's a role for the Commission to do something or participate.

Mr. Young responded that DWC has approved three HCOs. There is one HMO that's about to be approved and there another one that's pending. DWC is looking at a WCHPO that came out of the Department of Corporations. Another disability insurer is restructuring its application and coming back in. He said it is a program that is limping along and more alive than he thought it would be. Mr. Young does not think it's going to take off until the law is restructured.

Chairman Steinberg asked if the problem with the law is the ability of the injured worker to switch treating physicians from year to year.

Mr. Young replied that the answer depends on who you are. From his perspective as an administrator, he thinks what is hindering the program is that it is too complicated a system statutorily. There are many complications in putting it together, pricing it, and marketing it and too many entities are involved. He thinks there should be one period of control, not variable periods of control. He suggested to give the employee all the information about whether they want to do this or not -- if they want to do it, they are in for this one period of control and, if not, they are out. Mr. Young thinks that the program will take off under that circumstance. There are the informed choices just like there are in DWC's 24 hour pilot. But the variable periods of control, the multiple offerings, and those things are just hindering this program to the point where it's just not taking off.

Chairman Steinberg remarked that when Ed Woodward, President of the California Workers' Compensation Institute, spoke to the Commission about Managed Care at the last meeting, he got the impression that Managed Care was not the real panacea for reduced workers' compensation costs and that there were other areas that would serve the system better. He asked Mr. Young if that were an added problem.

Mr. Young replied that he was not sure in what context Mr. Woodward was using the term "managed care". But if Mr. Woodward were talking about the HCO program in the way it is structured right now, Mr. Young would agree. He said that Managed Care was going on out there now. The thing that makes the HCO program different is the extended period of control. If you don't need an extended period of

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control beyond 30 days, then there is no point in doing it and no point in going through the regulatory process. Mr. Young said that the marketplace is trying to create so-called 24 hour products, Managed Care products and so forth and not relying on an extended period of legal control in order to keep the employee and manage his care. That's where it seems like the majority of the market is going. Some others have gone into the HCO program and tried to make that work.

Mr. Young thinks the HCO program is really saying is that there is a trade off here. In order to have the extended period of control, the system is going to require the employer to go through this certification process to make sure the network is okay, and that the employer is providing access, quality care, and all the things that should happen. Mr. Young said that was just kind of a political tradeoff that the HCO program made. Whether or not that's going to work in the long run, he does not know. If the program were made simpler, Mr. Young thinks that it will become a much more significant part of the marketplace.

Commissioner Vach stated that because of what he has heard of the San Diego pilot being so successful, maybe the HCO program is a good concept. He asked if the Commission really ought to be looking at the 24 hour pilots that are going on and maybe put more attention on that side.

Mr. Young replied that in essence he was saying the same thing only expressed differently. The 24 hour program utilizes a year period of control. The employees are given the information about it and they opt in or out. Mr. Young said that the division has been hearing really good things about the San Diego pilot and he thinks that's really the only way you're going to make the HCO program take off.

*Commission Legislative Action*

The Commission members discussed if the Commission ought to establish some liaison with the Legislature when it wants to propose legislation, such as a bill to establish a permanent funding mechanism for the Commission. It was determined that the Commission would discuss this issue at the January meeting, after Commission members ascertained informally if there were any legislators receptive to sponsoring such legislation.

*Public Comments*

Joe Markey with the California Self Insurers Association stated that he had a question about Ms. Baker's report where she indicated that there was going to be a telephonic survey of injured workers. He recalled that in another (non-Commission) survey, somebody was calling injured workers and raising the

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question in their own minds as to whether or not they were going to have a job, were they going to be permanently disabled, was there going to be money and he was very much concerned about the method by which telephonic surveys are conducted, by whom and for what purpose. Mr. Markey said he was just asking that if the Commission has not looked at the specific questions and the techniques, that it do so to insure that nothing is introduced that would impair the convalescence of an injured worker.

Ms. Baker replied that the Survey Research Center and the Labor Occupational Health Program are working very carefully and cautiously at developing a survey that is extremely sensitive to injured worker issues. The questions are primarily about information services that were provided to them.

Chairman Steinberg recalled that the Commission raised those concerns at an earlier meeting. Commissioner Hlawek said the people from Berkeley were there and they and the Commission members discussed some of those very issues because they are very important.

Ms. Baker said that the Commission has an Advisory Committee for the Information Services to Injured Workers study and all other Commission projects. Everything is reviewed by those Committees which have exhibited a lot of sensitivity to those issues. Ms. Baker said that the Commission members would see the survey questions before they are employed.

*Future Meetings*

The Commission is not planning to meet during December 1995.

The January 1996 meeting of the Commission will be held on Thursday, January 18, 1996 at 10 am in the first floor auditorium (room 1138) in the State Building at 107 South Broadway in Los Angeles. If necessary, the meeting will continue at 9 am on Friday, January 19, 1996 in room 2020 (on the second floor) in the State Building at 107 South Broadway in Los Angeles.

The January 1996 Commission meeting will include a "Permanent Disability Fact-Finding Hearing" at which members of the workers' compensation community will give testimony on significant issues in Workers' Compensation Permanent Disability. This fact-finding hearing is being held only to gather information; it is not part of a rule-making process.

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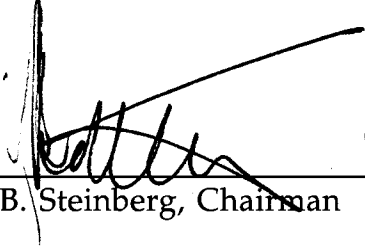
*Adjournment*

A motion to adjourn the meeting was made by Commissioner O'Hara, seconded by Commissioner Rankin and passed unanimously. The meeting was adjourned at 11:50 am by Chairman Steinberg.

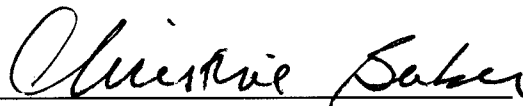
Attachment:    Meeting agenda

Approved:

Respectfully submitted,

  
\_\_\_\_\_  
Robert B. Steinberg, Chairman

1/18/96  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Christine Baker, Executive Officer